

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

<b>IN RE: NATIONAL FOOTBALL LEAGUE</b>	<b>:</b>	<b>No. 2:12-md-02323-AB</b>
<b>PLAYERS' CONCUSSION INJURY</b>	<b>:</b>	
<b>LITIGATION</b>	<b>:</b>	<b>MDL No. 2323</b>
	<b>:</b>	
<b>THIS DOCUMENT RELATES TO:</b>	<b>:</b>	
	<b>:</b>	
<b>JAMIE WINBORN</b>	<b>:</b>	<b>NOTICE OF AN</b>
	<b>:</b>	<b>ATTORNEY'S LIEN</b>

**NOTICE OF AN ATTORNEY'S LIEN**

Now, comes, the Petitioner, Russell J. Berkowitz of Berkowitz and Hanna LLC, Attorney for the Plaintiff, Jamie Winborn, to notify this Court and all parties that Berkowitz and Hanna LLC and its Attorneys have a lien in this case for attorney's fees and costs for work performed, as set forth below, and in accordance with Mr. Winborn's executed employment agreement.

(1) The Petitioner is an attorney at law admitted to practice before the courts of Connecticut, and files this Notice to establish a lien for attorney's fees as set forth hereinafter.

(2) On or about August 18, 2016, the Petitioner was retained and employed by the Plaintiff, Jamie Winborn, pursuant to a contingent fee agreement, to pursue a claim for injuries and damages against the National Football League associated with football-related concussions, head and brain injuries.

(3) Mr. Donley's contingency fee agreement contains the following terms: If no

recovery is made, the client will not owe any legal fee or expenses to Petitioner.

If Plaintiff's counsel obtains settlement or judgment for Client, Client will pay counsel, before the deduction of any liens, unpaid medical bills, and costs, 25% of the award, plus expenses and costs up to \$2,000,000.00; 20% of any reward in excess of \$2,000,000.00.

- (4) From the date the Petitioner was authorized to proceed on behalf of the Plaintiff, the Petitioner has actively and diligently applied himself to the investigation, preparation, and pursuit of Plaintiff's claim, and has taken all steps necessary to prosecute those claims, including but not limited to, correspondence and communications with the client, preparation and review of client's factual and legal circumstances, analyzing Plaintiff's medical status and need for medical testing, and continue to pursue the best interests of the Plaintiff in this matter.
- (5) Specifically, Petitioner recently scheduled and paid for Plaintiff to undergo an MAF evaluation with a neurologist and qualified BAP provider to determine if Plaintiff has a Qualifying Diagnosis. The Petitioner paid for all of the expenses for these evaluations for Mr. Winborn.
- (6) On June 28, 2021, the Plaintiff discharged the Petitioner as his attorney in this matter, and it is expected that a new attorney will be pursuing representation of the Plaintiff in this action.
- (7) Petitioner was not terminated by the Plaintiff for cause, and the termination was

not due to any malfeasance or other improper action on the part of the Petitioner.

- (8) The Petitioner claims the right to have a lien for attorney's fees and expenses established and enforced upon any sums to be derived from any settlement or judgment obtained or to be obtained by Plaintiff in this action.

WHEREFORE, the Petitioner prays:

- (1) That his attorney's lien and expenses be determined;
- (2) That the amount of the lien and expenses be established;
- (3) That the Court order that the Petitioner be entitled to enforce his attorney's lien and expenses against the proceeds to be derived from any settlement or judgment in this action;
- (4) That the Defendant or the Defendant's insurer be prohibited from paying to the Plaintiffs any sums of money until said lien has been satisfied; and
- (5) For such other and further relief as the Court deems just and proper.

Dated: July 1, 2021

Respectfully Submitted By:

THE PETITIONER,

/s/ Russell J. Berkowitz

Russell J. Berkowitz, Esq.

Kelly E. Ferraro, Esq.

Berkowitz and Hanna LLC

2 Corporate Drive, 3<sup>rd</sup> Floor

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Connecticut Federal Bar No. 00605

**CERTIFICATE OF SERVICE**

I hereby certify that I caused the foregoing Notice of Attorney's Lien to be served via the Electronic Case Filing (ECF) system in the United States District Court for the Eastern District of Pennsylvania, on all parties registered for the CM/ECF in the litigation.

Dated: July 1, 2021

THE PETITIONER,

/s/ Russell J. Berkowitz  
Russell J. Berkowitz, Esq.  
Kelly E. Ferraro, Esq.  
Berkowitz and Hanna LLC  
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